



John K. Bullard, Mayor

City of New Bedford

OFFICE OF THE MAYOR



SDMS DocID 000200855

*File 4.1
Admin Record*

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April 6, 1989

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**NOTE
BRANCH**

Frank Ciavattieri
U.S. Environmental Protection Agency
Region 1
Waste Management Division
J.F. Kennedy Federal Building
Boston, MA 02205-2211

Re: Request for Inclusion in Harbor
Cleanup

Dear Mr. Ciavattieri:

The City of New Bedford hereby requests that the U.S. Environmental Protection Agency consider inclusion of PCB contaminated Belleville Avenue Interceptor grit in the New Bedford Harbor superfund cleanup pursuant to the Comprehensive Environmental Response Compensation and Liability Act.

In making this request, the City reserves all rights and defenses it may have regarding any alleged liability with respect to this matter. As you may know, this request is a product of the City's ongoing discussions with the United States and the Commonwealth regarding modifications to an existing federal consent decree to address requirements under the Clean Water Act. Assistant Regional Counsel Peter Kenyon is the lead EPA attorney in that matter. We understand that EPA is agreeable to evaluate this request. Given the financial and technical demands presented by the contaminated grit, the City currently believes that EPA's assistance through including the interceptor grit in the Harbor remedy may present the most viable solution.

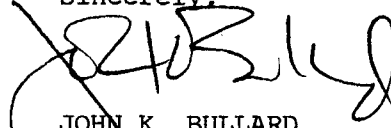
To further assist the United States, the City has agreed to conduct additional tests on the interceptor grit. We are currently awaiting state approval of our proposed sampling protocol, which we expect to receive by the end of the month. We will provide you with the results once sampling is completed. We have also included a copy of the Grit Study conducted by CDM dated August, 1987.

The City is anxious to assist the United States in its evaluation of this request. We understand that the method for determining the objectives of the parties under this request will be difficult and therefore we would suggest meeting with you to resolve any items of concern. Any questions should be addressed to either Marcy Wetherbee, City of New Bedford, 508-999-2931, or Douglas A. Johns, Palmer & Dodge, 617-573-0187.

Mr. Frank Ciavatteri
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We look forward to discussing this issue with you in the near future.

Sincerely,



JOHN K. BULLARD
MAYOR

JKB:lsb

cc: Peter Kenyon
Madelyn Morris
Marcy Wetherbee
Kathy Burns
Douglas A. Johns
Peter Shelley
Armand Fernandes
Steve Hickox
George Block